

# Standing up—and sitting down—for the public trust

Over the past year I've used this column to explain the public trust concept, the notion that certain natural resources are so important to everyone that they must remain in public hands. This American ideal also maintains that government is responsible, through agencies like Montana Fish, Wildlife & Parks, for stewardship of public lands, waters, and wildlife for everyone's fair and equitable enjoyment today and far into the future.

People who care about the public trust—both inside and outside our agency—often ask, “What can we do to protect it?”

My answer: We need to stand up for the public trust—and, even more importantly, know when to sit down.

Standing up means opposing those in Montana and nationwide who want to privatize public lands, pollute water, relax protections for endangered and migratory wildlife, and reduce public access. In the past, it meant fighting for Montana's Stream Access Law and against efforts to build a dam on the Yellowstone River that would have turned Paradise Valley into a massive reservoir. These and others were worthy battles.

But too often fighting is ineffective. Conservation advocacy framed as battle produces winners and losers. And when those on an opposing side lose, they often don't give up. They regroup, bide their time, and fight to take back what they lost. Which creates new losers. Back and forth it goes, decade after decade, with no lasting progress for land, water, or wildlife.

Too many members of Montana's conservation community favor this strategy. Unfortunately, their inflexibility damages the vital relationships we need to cultivate with landowners and other Montanans. It creates an “us versus them” dynamic that closes the door to compromise and the steady progress that comes from building trusting, mutually respectful relationships.

What I've found over the past nearly four years as FWP director, during my time as legal counsel for the department, and as a professor of natural resources law, is that a far more successful—and sustainable—strategy is to simply sit down.

By that I mean having the courage and patience to sit down with others who have a stake in a wildlife, fisheries, lands, water, or access issue. I mean respectfully and intentionally listening and hearing—the ultimate sign of respect—and putting in the time to build trust. I mean checking egos at the door.

Remember: Public trust resources belong and matter to everyone. Yes, constant disagreements over management—whether the issue is grizzlies, walleye, trout, or elk—can be exhausting and frustrating. But they are certainly not surprising. The debates and tension come from people caring so strongly about Montana's public trust resources. (It would be far worse if no one cared, which

increasingly is the case in many other states.) It's our job at FWP to channel those passions in a direction that benefits everyone.

## The hard work of listening

I know sitting in meetings, finding common core values, and working to reach agreement sounds dull and difficult. It's far easier and more exciting to raise the flag and wade into the fray, right? To vilify and defeat the other tribe. To claim victory!

Yet again and again I've seen that the most lasting conservation accomplishments come from bringing together those with a stake in an issue: stockgrowers, wilderness advocates, hunters, anglers, outfitters, business owners, civic leaders, and others. Once in the same room, everyone works to understand each other's perspec-



**STANDING UP FOR WHAT'S RIGHT** Sometimes protest is called for, like in 2017 when hunters and others crowded the Montana state capitol to demand that public lands remain in public hands.

tives. It's not easy. It requires curiosity, a desire to understand why others believe what they do. But it's essential. Reaching mutual understanding and respect is the only way to get at what we all have in common and begin to chart a path forward.

Coalitions of earnest, open-minded, solution-seeking Montanans are why the Blackfoot Valley is home to more grizzly bears than subdivisions. They are why there's an additional 275,000 acres of wilderness and conservation lands on the Rocky Mountain Front, and why so many eastern Montana ranchers are willing to change the way they graze cattle in ways that sustain native grassland wildlife.

I believe that the biggest challenge for all of us wishing to protect



**SITTING DOWN TO LISTEN** But in many cases, more can be gained—and sustained—by sitting down with others who have different values, listening to each other, and finding common ground.

the public trust is the paradox of doing two often-contradictory things: fight when necessary, but also meet with those on the other side of an issue and understand their point of view. We don't all have to agree, but we do need to acknowledge that they, like us, have fears and concerns. We need to show humility and recognize each other's inherent dignity. Then we can collectively use the shared understanding and trust as a foundation on which to build progress.

How do we know when to hold firm and when to work cooperatively? When to stand up and when to sit down?

I believe the times when Montana's conservation community should stand firm are whenever we face a *net* loss in the integrity of, access to, or capacity to manage public trust resources.

By integrity, I mean immediate threats to land, water, and wildlife, and their sustainability. By access, I mean actions that reduce the public's ability to use these resources. By capacity to manage, I mean anything that weakens FWP and other agencies entrusted with the stewardship of public trust resources.

And by net loss, I mean that sometimes we need to be willing to give something up to get more back. That might mean exchanging some public land for property even more valuable to wildlife and public access. Or providing a landowner with a bull tag in exchange for allowing public cow elk hunting to hundreds of hunters.

I don't mean we ever cave in or give up the farm. We must remain true to the principles of personal and professional integrity and stay dedicated to preserving the public trust concept. But sometimes we need to allow for some wiggle room.

### Like a ponderosa pine

In addition to knowing when to speak up and when to listen, those of us who care about safeguarding the public trust also must be more flexible. Our world is increasingly complex, volatile, and uncertain.

What we did yesterday may not work today. We need to adapt.

Wildlife managers are familiar with the concept. They adapt management of waterfowl, mule deer, elk, and other species to changes in climate, hunter harvest, habitat, and populations. We need to apply this approach to managing contentious issues and changing demographics. That means gathering more and better information—about people as well as fish and wildlife—and then adjusting management strategies accordingly. An example is finding ways to welcome—and gain conservation support and funding from—Montana's growing number of kayakers, innertubers, mountain bikers, and hikers.

Staying flexible while remaining true to our values and principles requires FWP and Montana's conservation community to be like a ponderosa pine. We must remain rooted in our core beliefs, our allegiance to the public trust, and the foundation built by listening to and respecting others. Yet we must also be flexible enough to absorb even the strongest winds.

Because if we don't, we will be uprooted and blown over.

Previous generations gave us a great gift of the rivers, prairies, forests, wildlife, parks, and fish that we enjoy today. It's our responsibility to take what they bequeathed and continue Montana's long and proud heritage of stewardship excellence. But we live in a new era, one that demands new thinking while building on our best traditions. Effective stewardship in Montana today requires us to be both rooted and flexible, to oppose actions that degrade the public trust while working with those on the other side of the fence to create lasting solutions.

This is how conservation and stewardship will succeed. This is how we honor and protect the public trust.

—Martha Williams, Director, Montana Fish, Wildlife & Parks